

Notice of Allowability

Application No.

10/621,045

Examiner

Timothy L. Rude

Applicant(s)

KEWITSCH, ANTHONY S.

Art Unit

2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 06 December 2005.
2. ☒ The allowed claim(s) is/are 1 and 4-8.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

tlr

DETAILED ACTION

Claims

Claims 2, 3, and 9-23 are cancelled. Claim 1 is amended.

Allowable Subject Matter

Claims 1 and 4-8 are allowed.

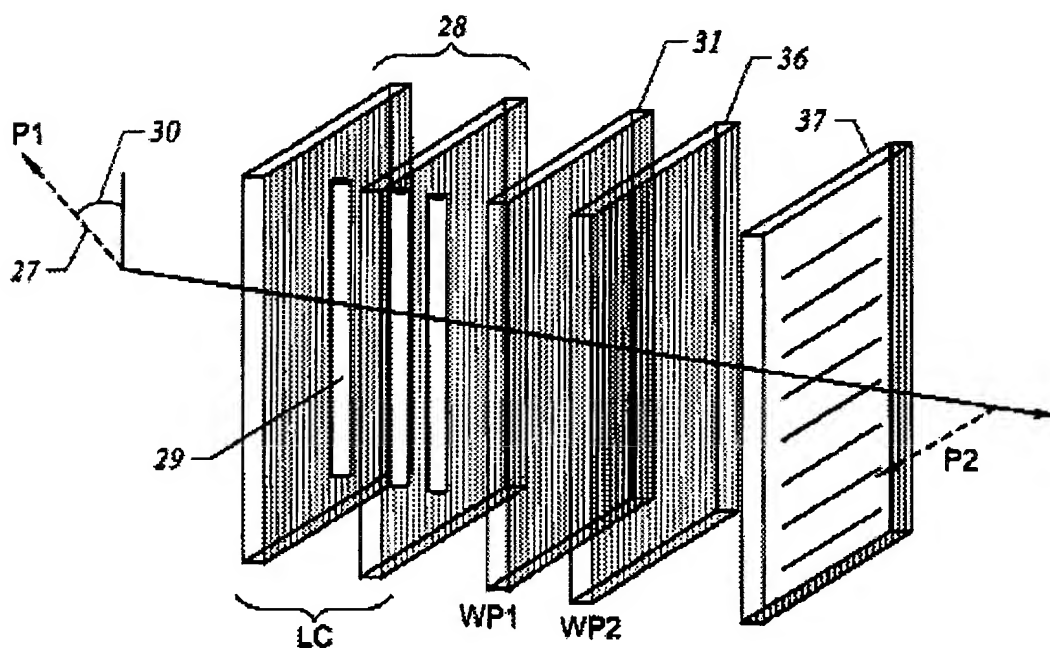
The following is an examiner's statement of reasons for allowance:

As to claim 1, relevant prior art of record did not disclose, alone or in combination, the optical communications device as claimed wherein the third compensator has a value of less than a tenth wave at the center wavelength to compensate for the residual cell birefringence.

The closest prior art is Kelly et al (Kelly) USPAT 6,614,572 B2. Kelly discloses [entire patent, especially figures 6A, 6B, and 10A, embodiments explained col. 5, line 1 through col. 10, line 44] an optical communications device for selectively modifying a multiwavelength optical beam with a given center wavelength and edge wavelengths, while compensating for nonlinearities at the edge wavelengths which affect data reliability, comprising:

Art Unit: 2883

an optical modulator, 28, receiving the optical beam and introducing a selectively controllable amount of retardation in the beam; and at least two retardation compensators, 31 and 36, in the path of the beam prior to the optical modulator, the at least two retardation compensators comprising optical wave plates providing integer multiples of retardation selected in relation to the center wavelength and edge wavelengths of the optical beam and a retardation characteristic of the optical modulator
[Abstract, and summary of the invention],



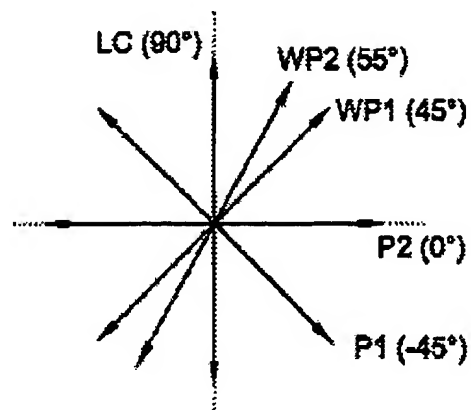


FIG. 6B

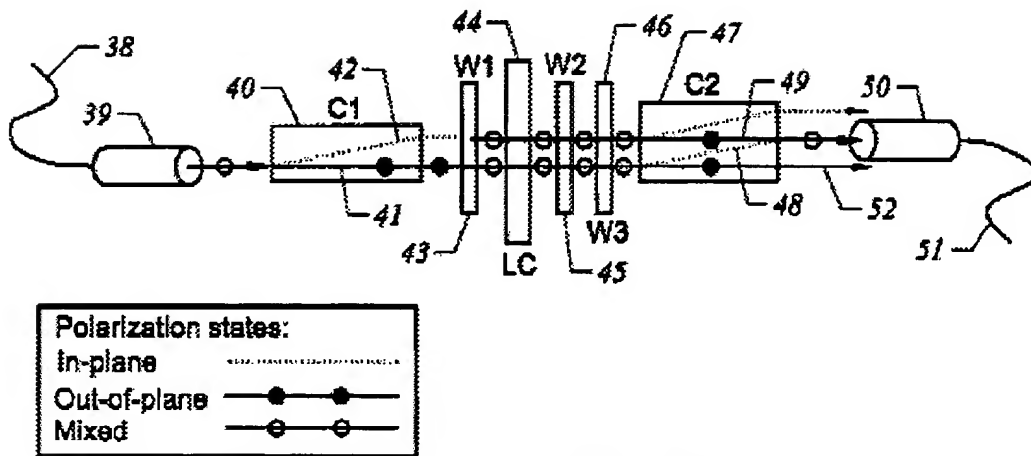


FIG. 10A

wherein the optical beam has a selected polarization and the at least two retardation compensators comprise at least one half wave quartz wave plate at the center wavelength and at least one nominally quarter wave plate at the center wavelength [col. 6, lines 5-30], each having selected optical axis dispositions relative to the polarization axis of the optical beam [per Figure 6B].

However, no reference with proper motivation to combine was found to teach the optical communications device as claimed wherein the third compensator has a value of less than a tenth wave at the center wavelength to compensate for the residual cell birefringence.

As to claims 4-8, they are directly or indirectly dependent upon claim 1 with allowable subject matter above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

References cited but not applied are relevant to the instant Application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy L. Rude whose telephone number is (571) 272-2301. The examiner can normally be reached on Mon-Thurs.

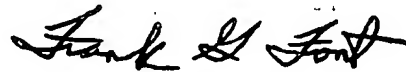
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



tlr

Timothy L Rude
Examiner
Art Unit 2883



Frank G. Font
Supervisory Patent Examiner
Technology Center 2800